

REMARKS

Claims 1-21 are all the claims pending in the application. Claims 1, 2, 4, 5, and 7-18 have been amended for editorial reasons relating to clarity and idiomatic considerations only. Claims 19-21 have been added and are supported by at least the specification and claims as filed.

I. Discussion of Claim Rejection under 35 U.S.C. § 103(a) and Applicant's Statement of Substance of the Interview on April 1, 2008

Applicant thanks Supervisory Patent Examiner Scott Beliveau and Examiner Alan Luong for their time in conducting the courteous and productive personal interview on April 1, 2008 regarding the rejections to claims 1, 7, 10, 14, 16 and 18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stern (US Pub. No. 2001/0052001 A1) in view of Werner (US Pub. No. 2002/0069107 A1) and claims 4, 12 and 17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stern (US Pub. No. 2001/0052001 A1) and Son (US Pub. No. 2003/0013436 A1).

To summarize this conversation, Applicant's representative presented Applicant's position that the references of record fail to teach or suggest the requirements of claims 1, 4, 7, 10, 12, 14, 16-18, and new claims 19-21.

In particular, with regard to claims 1, 10, 16, and new claim 19, Applicant's representative presented Applicant's position that Stern in view of Werner fails to teach or suggest at least the requirements of claim 19 of:

a receiving unit that receives, from a content provider, facility prerequisite data that specifies at least one prerequisite to be met by a facility where the content is to be used and that receives facility data from a plurality of content users of facilities;

. . .
a destination selecting unit that selects, based on the stored facility data, a facility that meets the at least one prerequisite specified by the stored facility prerequisite data, and that selects, based on information extracted from the stored facility data, a content user terminal placed at the selected facility as the destination of the content.

Further, with regard to claims 4, 12, 17, and new claim 20, Applicant's representative presented Applicant's position that Stern in view of Son fails to teach or suggest at least the requirements of claim 20 of:

a receiving unit that receives, from an advertising agent, content prerequisite data that specifies at least one prerequisite to be met by a content that is to be an advertising target of the advertising agent and that receives content data from a plurality of content providers;

. . .
an advertisement target selecting unit that selects, based on the stored content data, a content that meets the at least one prerequisite specified by the content prerequisite data as the content to be advertised by the advertising agent.

Finally, with regard to claims 7, 14, 18, and new claim 21, Applicant's representative presented Applicant's position that Stern in view of Werner fails to teach or suggest at least the requirements of claim 21 of:

a receiving unit that receives content data from a plurality of content providers and that receives content prerequisite data from a content user of a facility that specifies at least one prerequisite to be met by a content that is to be used in the facility;

. . .

a content selecting unit that selects, based on said stored content data, a content that meets the at least one prerequisite specified by the content prerequisite data as the content to provide to a content user terminal of the facility of the content user.

As indicated in the attached Examiner's Interview Summary (PTOL-413), the Examiners agreed with the Applicant's position with regard to all claims, both regarding the above specifically recited limitations and the similar limitations of claims 1, 4, 7, 10, 12, 14, 16, 17, and 18.¹ The Examiners further agreed that upon receipt of this response, the Examiner would withdraw the rejection, perform a new search, and issue a new non-final Office Action if new pertinent art is found or alternatively issue a notice of allowance.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1-18.

Further, the Examiners agreed to call Applicant's representative to further discuss their concerns should they decide to maintain the previously applied rejection of record.

II. Claim Objections

Applicant respectfully requests the Examiner withdraw the objections to claims 8 and 9 in view of the self-explanatory amendments presented above.

III. Claim Rejections - 35 U.S.C. § 101

Applicant respectfully requests the Examiner withdraw the rejection to claims 16-18 under 35 U.S.C. § 101 in view of the self-explanatory amendments presented above.

¹ The similar limitations of claims 1, 4, and 7 were also discussed explicitly during the interview but have not been recited herein to avoid unnecessary prolix.

IV. Formalities

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority and confirming receipt of the certified copy of the priority document. However, for clarity, Applicant respectfully requests the Examiner check all three of boxes 12, 12(a), and 12(a)(1) in the next Office Action Summary to indicate that **all** certified copies of the priority document have been received.

Applicant also thanks the Examiner for indicating that the drawings filed September 26, 2003 have been accepted.

In addition, Applicant thanks the Examiner for initialing and returning copies of the SB/08 forms submitted with the Information Disclosure Statements filed on January 6, 2004, December 13, 2005, and February 16, 2007.

V. Claim Rejections Under 35 U.S.C. § 103 to Dependent Claims Claims 2, 3, 8, 11, and 15

Claims 2, 3, 8, 11, and 15 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stern (US Pub. No. 2001/0052001 A1) in view of Werner (US Pub. No. 2002/0069107 A1) and Son (US Pub. No. 2003/0013436 A1). Applicant respectfully traverses the rejection.

Applicant pointed out above that the Examiners agreed that Stern in view of Werner is deficient vis-à-vis independent claims 1, 7, 10, and 14. Applicant respectfully submits that Son fails to compensate for the deficiencies of Stern and Werner. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these references

would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 1, 7, 10, and 14, much less dependent claims 2, 3, 8, 11, and 15.

Therefore, claims 2, 3, 8, 11, and 15 would not have been obvious within the meaning of 35 U.S.C. §103(a). Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 2, 3, 8, 11, and 15.

Claims 5, 6, 9, and 13

Claims 5, 6, 9, and 13 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stern (US Pub. No. 2001/0052001 A1) in view of Werner (US Pub. No. 2002/0069107 A1) and Son (US Pub. No. 2003/0013436 A1). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that the Examiners agreed that Stern in view of Son is deficient vis-à-vis independent claims 4 and 12. Applicant respectfully submits that Werner fails to compensate for the deficiencies of Stern and Son. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 4 and 12, much less dependent claims 5, 6, 9, and 13.

Therefore, claims 5, 6, 9, and 13 would not have been obvious within the meaning of 35 U.S.C. §103(a). Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 5, 6, 9, and 13.

VI. New Claims

Applicant has added new claims 19-21. Applicant respectfully submits that these claims are patentable for at least the reasons presented during the above discussed interview. As such, Applicant respectfully requests entry and allowance of these new claims.

VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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